

U.S. BANKRUPTCY COURT
District of South Carolina

Case Number: 09-09064-hb

Order Modifying Automatic Stay

The relief set forth on the following pages, for a total of 2 pages including this page, is hereby **ORDERED**.

FILED BY THE COURT
06/27/2011



Entered: 06/28/2011

US Bankruptcy Judge
District of South Carolina

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

Charles David McIntyre and
Janet Rowland McIntyre

Debtor(s)

CHAPTER 7

BANKRUPTCY NO. 09-09064-hb

B29-05736

ORDER

The Debtors filed the within bankruptcy case initially under Chapter 11 of the Bankruptcy Code on December 3, 2009. By Order of this Court dated March 23, 2010, the above referenced Debtors were to make regular monthly mortgage payments to Ocwen Loan Servicing, LLC according to their Chapter 11 Plan. The Settlement Order dated March 23, 2010 provided that the Debtors would reamortize the loan over a period of 360 months with payments to begin March 1, 2010. The interest rate would be reduced to five (5%) percent. The Order further provided that the Debtors' failure make said payments timely would be grounds for an immediate lifting of the automatic stay. The Chapter 11 Plan was confirmed on January 18, 2011. The Debtors converted to a Chapter 7 bankruptcy on April 4, 2011. Counsel for Ocwen Loan Servicing, LLC has submitted an Affidavit of the Debtors' default, which maintains that the Debtors failed to pay to Ocwen Loan Servicing, LLC the May 1, 2011 regular monthly mortgage payment, and all subsequent post-petition payments, as required by the Order of March 23, 2010.

IT IS THEREFORE ORDERED that the 11 U.S.C. § 362 automatic stay is modified to permit Ocwen Loan Servicing, LLC to proceed with a foreclosure action in state court against the Debtors' property located at 312 Killion Drive, Gaffney SC 29340, County of Cherokee.

The claimant agrees to waive any claim that may arise under 11 U.S.C. Section 503(b) or 507(b) as a result of this Order. The claimant further agrees that any funds realized in excess of its debt will be paid to the Chapter 7 Trustee.